

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CIVIL NO. 07-1778 (PJS/JJG)

THE TRUSTEES OF THE SHEET METAL #10  
CONTROAL BOARD TRUST FUND,

Plaintiff,

v.

**REPORT & RECOMMENDATION**

AABBOTT FERRARO, INC.,

Defendant.

The complaint in this case was filed on April 5, 2007. When no proof of service or answer was filed or other appearance made within the time required by the rules, the court issued an order on June 19, 2007, which by its terms required plaintiff to take certain action. On June 26, 2007, the Court issued an Order Approving Stipulation to Extend Time to Respond to Complaint (Doc. 5), giving the Defendant until July 12, 2007, to respond to the Complaint. On July 23, 2007, when no response was filed, the Court issued an Order (Doc. #6), giving an additional ten days for the parties to file a pleading with the Court.

To date, the parties have not complied with the terms of that order.

Based upon the foregoing, IT IS RECOMMENDED that the case be **DISMISSED** for lack of prosecution.

DATED: August 9, 2007

s/Jeanne J. Graham

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JEANNE J. GRAHAM  
U.S. Magistrate Judge

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by August 28, 2007. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which

objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.